

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Tony Hammond, Vice Chairman;
Mark Acton; and
Nanci E. Langley

Competitive Product Prices
Priority Mail Express, Priority Mail &
First-Class Package Service Contract 5 (MC2016-9)
Negotiated Service Agreements

Docket No. CP2016-11

ORDER APPROVING AMENDMENT SIX TO
PRIORITY MAIL EXPRESS, PRIORITY MAIL & FIRST-CLASS PACKAGE SERVICE
NEGOTIATED SERVICE AGREEMENT

(Issued January 18, 2018)

I. INTRODUCTION

The Postal Service seeks to amend a Priority Mail Express, Priority Mail & First-Class Package Service negotiated service agreement.¹ For the reasons discussed below, the Commission approves the Amendment.

In Order No. 2796, the Commission approved the Priority Mail Express, Priority Mail & First-Class Package Service Contract 5 negotiated service agreement (Existing

¹ USPS Notice of Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 5, Filed Under Seal, January 17, 2018 (Notice). The amendment is an attachment to the Notice (Amendment).

Agreement).² On January 17, 2018, the Postal Service filed notice that it has agreed to the Amendment to the Existing Agreement.

The Postal Service intends for the Amendment to become effective two business days after the date that the Commission completes its review of the Notice. Notice at 1.

II. COMMISSION ANALYSIS

The Commission has reviewed the Notice and the accompanying materials filed under seal.

Cost considerations. The Commission reviews competitive product prices to ensure that each product covers its attributable costs, does not cause market dominant products to subsidize competitive products, and contributes to the Postal Service's institutional costs. 39 U.S.C. § 3633(a); 39 C.F.R. §§ 3015.5 and 3015.7. As long as the revenue generated by the product exceeds its attributable costs, the product is unlikely to reduce the contribution of competitive products as a whole or to adversely affect the ability of competitive products as a whole to contribute an appropriate share of institutional costs. In other words, if a product covers its attributable costs, it is likely to comply with 39 U.S.C. § 3633(a).

The Amendment changes the implementation of annual price adjustments. Notice, Attachment A at 1.

The Amendment does not materially affect the underlying financial analysis of the Existing Agreement. Thus, the Commission finds that the Existing Agreement, as amended, comports with the provisions applicable to rates for competitive products in 39 U.S.C. § 3633(a) and 39 C.F.R. § 3015.7.

² See Docket Nos. MC2016-9 and CP2016-11, Order Adding Priority Mail Express, Priority Mail & First-Class Package Service Contract 5 to the Competitive Product List, November 2, 2015 (Order No. 2796). The contract was later amended. See Order Approving Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Negotiated Service Agreement, March 29, 2016 (Order No. 3187); Order Approving Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Negotiated Service Agreement, August 11, 2016 (Order No. 3460); Order Approving Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Negotiated Service Agreement, November 15, 2016 (Order No. 3615); Order Approving Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Negotiated Service Agreement, January 11, 2017 (Order No. 3743).

Other considerations. The Postal Service states that the Amendment shall become effective two business days after the date that the Commission completes its review. Notice at 1. If the Existing Agreement, as amended, is terminated prior to the scheduled expiration date, the Postal Service shall promptly notify the Commission.

In conclusion, the Commission approves the Existing Agreement, as amended.

III. ORDERING PARAGRAPHS

It is ordered:

1. The Commission approves the Priority Mail Express, Priority Mail & First-Class Package Service Contract 5 negotiated service agreement, as amended.
2. The Postal Service shall notify the Commission if the Existing Agreement, as amended, terminates prior to the scheduled expiration date.

By the Commission.

Stacy L. Ruble
Secretary